

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **February 14, 2006**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 1811-1813 Grace Street**

### RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 1811-1813 Grace Street under Section 36-19.5 of the Code of Virginia.

### SUMMARY:

Please see attached information from LRHA including notification to the property owners.

### PRIOR ACTION(S):

NA

### FISCAL IMPACT:

NA

### CONTACT(S):

Edward H. McCann 845-9011

### ATTACHMENT(S):

- Resolution
- Letter from LRHA

### REVIEWED BY: lkp

## RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 1811-1813 Grace Street, parcel 025-47-014 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 1811-1813 Grace Street; (iv) that the owner of 1811-1813 Grace Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 1811-1813 Grace Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 1811-1813 Grace Street by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 1811-1813 Grace Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 1811-1813 Grace Street.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

010P



LYNCHBURG  
REDEVELOPMENT AND  
HOUSING AUTHORITY

January 25, 2006

EDWARD H. McCANN  
Executive Director

City of Lynchburg  
Mrs. Patricia W. Kost  
Clerk of City Council  
900 Church Street  
Lynchburg, Virginia 24504

Dear Mrs. Kost:

The Authority staff has been working with the City's Inspections Division to address the blighted property located at 1811-1813 Grace Street, parcel 009-14-003. The Authority became aware of the condition of this property in October 2003, when staff began efforts to sell Authority property to neighboring property owners. The commissioners approved selling a portion of the Authority's adjacent lot to the Hawes, the owners of the property at 1811-1813 Grace Street, contingent upon several factors. One factor required the Hawes to correct exterior deficiencies to their property at 1811-1813 Grace. Authority staff followed up periodically with the owners concerning making the necessary repairs to their property for over a year, but no exterior repairs were completed. Prior to formally addressing the property through the Authority's Spot Blight Program, the owners responded to staff's request and provided the Authority with a plan of correction on August 1, 2005. However, the owners did not complete the repairs stated on their plan.

In addition, the City's Building Inspections staff received complaints about this property, and cited building code violations. Since informal efforts to have the owners repair their property were unsuccessful, the Authority's notice of the deficiencies under section 36-19.5 of the Code of Virginia was sent by certified mail and received by the owner on November 25, 2005. This notice asked the owner to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days. The Authority has not received any response to this notice and no repairs have been observed to date.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire this property pursuant to the above referenced code. Enclosed are copies of the resolution adopted by the Commissioners of the Authority, proposed resolution for City Council's consideration, notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

enclosures

cc: Bob Drane, Building Official  
Wayne Craig, Senior Building Inspector

**Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 1811-1813 Grace Street, Parcel 025-47-014, Lynchburg, Virginia pursuant to Code section 36-19.5**

**WHEREAS**, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

**WHEREAS**, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

**WHEREAS**, the Commissioners of the Authority have made a finding that the dwelling unit located at 1811-1813 Grace Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

**WHEREAS**, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

**WHEREAS**, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

**WHEREAS**, the owner has failed to correct the deteriorated condition of the dwelling unit.

**THEREFORE, BE IT RESOLVED**, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 1811-1813 Grace Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



## **LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY**

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN  
Executive Director

November 3, 2005

David J. & Kathryn M. Hawes  
1811 Grace Street  
Lynchburg, Virginia 24501

Re: Parcel Number: 025-47-014  
1811-1813 Grace Street  
Lynchburg, Virginia

Dear Mr. & Mrs. Hawes:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on August 25, 2005, and more recently on October 27, 2005, and found the following conditions:

- Roof deteriorated, tarp on part of roof, tin roof needs protective coating or painting
- Hidden gutter system/roof deteriorated
- Window pane missing in attic
- Soffit and fascia of structure needs painting, sections of soffit on front porch and left side of structure deteriorated
- Windows deteriorated to include deteriorated frames, sashes and sills and all need painting
- Window panes missing on left side of structure
- Front porch needs painting
- Front porch deck deteriorated, needs repairing due to warped boards
- Front porch lower sill plate deteriorated
- Front porch steps at 1811 unit deteriorated

Mr. & Mrs. Hawes

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November 3, 2005

- Front porch columns deteriorated
- Balustrade missing on left end of front porch railing
- Foundation deteriorated - holes on left side
- Excavation debris on left side of structure
- Siding needs to be painted and small section of vinyl siding needs to be removed or finish installing vinyl siding on entire structure
- Sections of siding missing and sections deteriorated
- Railing missing on end of second story, rear porch
- Tires, unlicensed vehicles and debris in rear yard

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

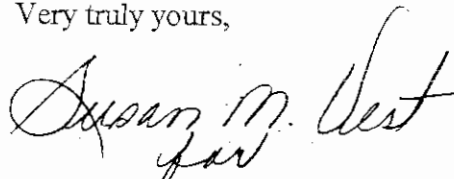
or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact me if you wish to discuss this.

Very truly yours,



Edward H. McCann

Certified Mail - Return Receipt Requested

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**Property Address: 1811 - 1813 Grace Street**

**Owner's Name: David J. Hawes & Kathryn L. Moore**

**Owner's Address: 1811 Grace Street, Lynchburg, VA 24501-3201**

**Parcel No.: 025-47-014**

**Assessed Value: Land - \$ 2,000    Improvement - \$ 12,300    Total - \$ 14,300**

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**Date of Pictures: October 27, 2005**

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**Deficiencies:**

- **Roof deteriorated, tarp on part of roof, tin roof needs protective coating or painting**
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Deficiencies continued on next page

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**1811-1813 Grace Street**  
**Date of Pictures: December 30, 2005**

